

PHYLLIS HONEYCUTT RIGGS,

Plaintiff,

v.

STEPHEN LEWIS VINSON, USF
HOLLAND, INC., and YRC, INC.,

Defendants.

V.

STEPHEN LEWIS VINSON, USF)
HOLLAND, INC., and YRC, INC.,)
)
Defendants.)
_____)

Defendants Stephen Lewis Vinson, USF Holland, Inc., and YRC, Inc., by and through counsel, respond to the numbered paragraphs of plaintiff's Amended Complaint as follows:

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7. It is admitted that there was a collision with the plaintiff in the general area described in Paragraph 7, and that Stephen Lewis Vinson was operating a 2000 International Tractor Trailer with the license plate number specified in Paragraph 7. Except as admitted, the allegations of Paragraph 7 are denied.

8. Admitted.

9. Denied.

10. Denied.

11. Denied.

FIRST DEFENSE

Plaintiff was contributorily negligent in that she failed to keep, exercise and maintain a careful, effective and proper look out; failed to keep, exercise and maintain proper control of her vehicle; suddenly stopped her vehicle in the roadway; failed to exercise a degree of care that a reasonably prudent person would have exercised under the same or similar circumstances then existing; and in such other ways as will be proven at the trial of this case.

SECOND DEFENSE

Plaintiff has failed to mitigate her damages.

THIRD DEFENSE

Plaintiff's claim may be barred by the applicable statute of limitations.

WHEREFORE, having fully answered plaintiff's Amended Complaint, defendants respectfully request that the plaintiff have and recover nothing; that this matter be

dismissed with prejudice; and that the Court order other such relief as it deems just, equitable, and proper.

This the 24th day of March, 2010.

/s/ Andrew L. Fitzgerald

Andrew L. Fitzgerald

N.C. State Bar No. 31522

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Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an attorney at law licensed to practice in the State of North Carolina, is attorney for Defendants, and is a person of such age and discretion as to be competent to serve process.

That on March 24, 2010, he served a copy of the foregoing **ANSWER** via electronic filing:

ADDRESSEE(S):

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/s/ Andrew L. Fitzgerald
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